

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

FREDERICK BANKS,

Petitioner,

v.

DIRECTOR CENTRAL INTELLIGENCE
AGENCY, et al.,

Respondents.

Civil Action
No. 22-1605 (CPO)

OPINION

O’HEARN, District Judge.

Before the Court is Petitioner’s Petition for a “writ of mandamus & habeas corpus to secure evacuation routes out of Ukraine and to protect and secure Ukrainians and others inside Ukraine and to lif[t] the FISA warrant against Ukrainians and Petitioner[.]” (ECF No. 1, at 1.) Pursuant to the Court’s screening authority under 28 U.S.C. § 1915(e)(2)(B) and Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts, which is applicable to miscellaneous habeas petitions pursuant to Rule 1(b), the Court has screened the Petition and will dismiss it as frivolous.

In this case, Petitioner contends that the Central Intelligence Agency (“CIA”) is using “Telepathic Behavior Modification,” through satellites, to psychically control Russian President Vladimir Putin. (*Id.*) Petitioner alleges, that through this method, the CIA has caused the war in Ukraine and demands that the Government stop the war and open secure evacuation routes for the people fleeing Ukraine. (*Id.*) At the end of his submission, Petitioner somehow concludes that because of these events, he should be released from prison.

Under our jurisprudence, frivolous claims include “claims based on an indisputably meritless legal theory and claims whose factual contentions are clearly baseless.” *Roman v. Jeffes*, 904 F.2d 192, 194 (3d Cir. 1990) (citing *Neitzke v. Williams*, 490 U.S. 319, (1989)); *Harris v. U.S.*

Fed. Gov't, No. 08-0294, 2008 WL 474245, at *2 (M.D. Pa. Feb. 20, 2008). “Within the former category fall those cases in which either it is readily apparent that the . . . [case] lacks an arguable basis in law or that the defendants are clearly entitled to immunity from suit; within the latter are those cases describing scenarios clearly removed from reality.” *Id.* (quoting *Sultenfuss v. Snow*, 894 F.2d 1277, 1278 (11th Cir. 1990)).

Here, the Petition falls into both categories of frivolous. His legal theories as to how a private citizen can obtain such relief are indisputably meritless, particularly since, [a]bsent a waiver of sovereign immunity, the federal government is shielded from suit.” *Harris*, 2008 WL 474245, at *2 (citing *F.D.I.C. v. Meyer*, 510 U.S. 471, 475 (1994)). Next, although the events in Ukraine are tragic, Plaintiff’s claims of satellite-based telepathy and psychic attacks are “clearly removed from reality.” *Id.*; *see also Brodzki v. Fox Broad. Co.*, No. 11-870, 2012 WL 125285, at *2 (D. Del. Jan. 13, 2012). Additionally, the Court finds that amendment in this case would be futile.

Accordingly, the Court will dismiss this case with prejudice as frivolous. An appropriate Order follows.

Dated: March 24, 2022

/s/ Christine P. O’Hearn
Christine P. O’Hearn
United States District Judge